

Application No. 10/701,495
Response to Office Action dated December 11, 2009

REMARKS

Claim 1 has been amended by deleting the word “of.”

Claims 19, 20 and 26 have been amended to provide the full names for MECA and DPMA.

Claim 28 has been amended to require the composition to further comprise an ester of adenosine.

Claims 1, 4, 10, 13, 19-21 and 24-31 are currently pending.

The Office Action objected to claim 1 because of the word “of.” The Office Action rejected claims 19, 20 and 24-28 under 35 U.S.C. § 112, second paragraph, as being indefinite because they contain abbreviations “MECA” and “DPMA,” and claim 28 because of the markush group in that claim. In view of the above non-limiting amendments to the claims, Applicant respectfully submits that the objections and rejections have been rendered moot and should be reconsidered and withdrawn.

The Office Action rejected claims 1, 4, 10, 13, 19-21 and 24-31 under 35 U.S.C. § 103 as obvious over DE 19545107 (“Schoenrock”). In view of the following comments, Applicant respectfully requests reconsideration and withdrawal of these rejections.

The invention methods are methods of softening expression lines using specified amounts of adenosine. Of particular note, the invention methods require direct application of the specified amount of adenosine to the expression lines with the intent and effect of softening the expression lines.

Schoenrock does not relate to softening expression lines. Rather, Schoenrock relates to treating exogenous signs of skin aging caused by external factors such as UV light and chemicals. (See, page 1, third paragraph of Schoenrock).

In making the obviousness rejection, the Examiner asserted that Schoenrock's disclosing a method of increasing cell proliferation in skin or a method of combatting/easing the symptoms of exogenic skin aging using adenosine suggests the invention methods. To support this assertion, the Examiner further asserted that expression lines are wrinkles, so it would have been obvious to treat them using adenosine in accordance with Schoenrock's disclosure. The obviousness rejection, and the assertions made in support of the rejection, are contrary to the evidence of record. Accordingly, the rejection should be reversed.

The evidence of record demonstrates that expression lines differ from other wrinkles such as those caused by external factors such as UV light (sun damage), and expression lines are “difficult to treat.” (See, previously submitted Exhibits A-C). The present application (at pages 2-3) further explains the difference between expression lines and exogenous wrinkles by explaining that expression lines are produced by mechanisms which differ from the mechanisms associated with aging lines (that is, expression lines are caused by the stress exerted on skin by the muscles which produce facial expressions, whereas aging lines are not). The present application also confirms the evidence of record: typical aging treatments do not have an effect on expression lines.

Thus, the evidence of record demonstrates that merely because methods of treating other types of less difficult-to-treat wrinkles such as those caused by UV light might exist, it does not mean that such methods (directed to a different type of wrinkle) teach or suggest

anything about how to treat expression lines. They are different conditions treated via different mechanisms. Accordingly, Schoenrock's disclosure related to treating wrinkles caused by exogenous factors such as sun damage or UV light cannot teach or suggest how to treat expression lines, which are recognized as being different, more difficult-to-treat types of wrinkles.

Stated another way, Schoenrock neither teaches nor suggests that the adenosine would have any effect whatsoever on decontracting lines, which tension/contortion resulted from repeated mimics and endogeneous ageing. Contrary to the Examiner's assertions, Schoenrock's disclosing a method of increasing cell proliferation in skin does not relate to the claimed relaxation effect; Schoenrock's disclosing a method of combatting/easing the symptoms of exogenic skin aging does not relate to the invention methods ("exogenic" means derived from outside sources, so wrinkles caused by exogenic factors cannot be expression lines); and merely because adenosine may have been known to treat some types of conditions (for example, through cell renewal), adenosine was not known to treat expression lines which are caused by different factors and are treated by different mechanisms.

In summary, Schoenrock does not teach or suggest softening expression lines by applying adenosine thereto. Rather, Schoenrock teaches treating wrinkles or damaged skin caused by UV light or chemicals. Again, as explained in the present specification (pages 2-4), the conditions treated by Schoenrock are different from expression lines: their causes are different and their treatments are different. For example, whereas wrinkles are caused by lack of collagen and can be addressed through collagen protection and/or synthesis, expression lines are caused by different mechanisms and cannot be addressed by increasing

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or protecting collagen. Thus, although Schoenrock teaches addressing collagen-related conditions such as wrinkles, it neither teaches nor suggests reducing or softening conditions unrelated to collagen levels. Because expression lines are not collagen-related, Schoenrock could not possibly teach or suggest anything concerning treatment of this condition.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

Applicant believes that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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